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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

E2

FILE:

Office: ATLANTA, GA

Date:

MAY 13 2004

IN RE:

Applicant

APPLICATION:

Application for Certificate of Citizenship under section 321 of the former Immigration and Nationality Act, 8 U.S.C. § 1432

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Acting District Director, Atlanta, Georgia, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant was born on November 15, 1982, in Vietnam. The record indicates that the applicant's father, [REDACTED] was born in Vietnam on April 10, 1946, and that he became a naturalized United States (U.S.) citizen on May 18, 1998. The applicant's mother [REDACTED] was born in Vietnam on December 15, 1940, and is not a U.S. citizen. The record indicates that the applicant was admitted into the United States as a refugee on July 23, 1991. She seeks a certificate of citizenship pursuant to section 321 of the former Immigration and Nationality Act (the former Act), 8 U.S.C. § 1432.

The acting district director concluded that the applicant was ineligible for citizenship pursuant to section 321 of the former Act because her parents were not both U.S. citizens prior to her eighteenth birthday, and because the evidence failed to indicate that the applicant's parents were separated or divorced prior to her eighteenth birthday, with legal and physical custody over the applicant being awarded to her U.S. citizen father.

The applicant filed a Form I290B, Notice of Appeal to her decision in a timely manner. The AAO notes, however, that the applicant's Notice of Appeal form is blank, and that the applicant's appeal makes no assertions about her citizenship claim or the reason for her appeal. The AAO notes further that the Notice of Appeal does not contain a separate brief or evidence in support of the appeal, nor does the applicant request additional time to submit such documents.

8 C.F.R. § 103.3(a)(v) states, in pertinent part:

(v) Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant in the present matter failed to identify any erroneous conclusion of law or statement of fact on appeal. The appeal will therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.